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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

MALI

The Committee reviewed the implementation by Mali of the International Covenant on Economic, Social and Cultural Rights at its 44th meeting held on 30 November 1994, and adopted 1/ the following concluding observations:

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

1. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, have not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

2. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it, to the Economic and Social Council, on measures which they have adopted, the progress made, and

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1/ At its 44th meeting (eleventh session), held on 30 November 1994.

the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle for the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases, and must do so on the basis of all reliable information available to it.

3. In situations in which a government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends by its very nature to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will provide an opportunity for the Government concerned to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policies with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a government of this possibility to set the record straight.

B. Introduction

4. Mali has been a party to the Covenant since 3 January 1976, the date of its entry into force. Since then, it has not submitted a single report. The Committee strongly urges the Government of Mali to live up to its reporting obligations as soon as possible so that the Covenant on Economic, Social and Cultural Rights can be given full effect, for the benefit of the people of Mali. The Committee emphasizes that it considers the non-performance by Mali of its reporting obligations not only as a violation of the Covenant but also as a grave impediment in the way of an adequate application of the Covenant.

C. Factors and difficulties impeding the application of the Covenant

5. The Committee takes note of the fact that the fulfilment by the Government of Mali of the obligations imposed by the International Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions prevailing in the country at the present time. In this regard, the Committee is aware that as a land-locked country, rather poor in mineral resources, lacking in organized manufacturing industries, and subject to frequent droughts, Mali has one of the lowest per capita incomes in Africa and in the world. The negative effects of this poverty on the capacity of Mali to effectively implement the articles of the Covenant on Economic, Social and Cultural Rights are further complicated by:

(a) about one third of its population still lives a nomadic or semi-nomadic life;

(b) ethnic conflicts and disturbances;

(c) about 2 million of its population of working age live abroad in temporary or prolonged migration mainly in Europe and the neighbouring countries.

It should be noted, however, that in mid-May an agreement was reached between the Government and the Tuareg rebels. None the less there is considerable concern regarding the future of the agreement, following an escalation of violence.

D. Positive aspects

6. The Committee notes that Mali, despite the dire circumstances just described, has succeeded in returning to a democratic form of government and now possesses a multipartite National Assembly and an independent judiciary. Virtually all of Mali's ethnic and language groups are represented at all levels of government and society. The Committee further notes that the overall human rights situation in Mali continues to improve. It is aware of the efforts made by the Government to liberalize the country's economy, and it welcomes the steps which the Government is taking to integrate women into the formal processes of development. Finally, the Committee notes the existence of an active trade union movement in Mali. The right to strike is recognized in practice.

E. Principal subjects of concern

7. The Committee notes that although the new Constitution of Mali reaffirms that there shall be no discrimination, economic and educational opportunities for women are still disproportionately limited. Thus, according to a recent United Nations report, females in Mali receive only 29 per cent as much schooling as males. The adult literacy rate among women is only half as high as that of men. The Committee also notes that traditional practices as well as existing laws place women at a disadvantage with regard to family and property rights.

8. With regard to Article 6 of the Covenant, the Committee notes with concern that, despite the prohibition of forced labour in the new constitution, debt bondage still exists in the salt mining communities north of Timbuktu. It has to be stated, however, that the number of people treated in this way has decreased and that the Government has assisted in the rehabilitation of former victims.

9. Regarding Article 7, the Committee notes that, although Mali has a detailed labour code, most people gain their living in the informal sector and thus in fact remain unprotected by such legislation. Due to lack of inspectors, legal provisions on occupational safety remain insufficiently enforced.

10. The Committee also notes that the official minimum wage is one of the lowest in Africa. This circumstance has been further aggravated by the recent devaluation of the CFA franc.

11. With regard to Article 10 of the Covenant, the Committee expresses its concern about the fact that, despite legislation to the contrary, child labour

is widespread, above all in the informal sector of the Malian economy. The Committee is also concerned about the prevalent mistreatment of women and the insufficient way in which the Government has addressed this phenomenon.

12. With regard to the rights recognized in Article 11 of the Covenant, the Committee expresses its concern about the further degradation of the standard of living of the population of Mali as a consequence of the devaluation of the CFA franc effected in January 1994. The Committee is also concerned about the precarious situation of food supply in Mali, caused partly by the irregularities of rainfall but also by malfunctioning of the market in agricultural products. According to UNICEF statistics of the late 1980s, the malnutrition rate ranged between 6 and 25 to 30 per cent depending on the year and the region.

13. Regarding the right to health enshrined in Article 12 of the Covenant, the Committee is concerned that child, infant and maternal mortality rates in Mali are still among the highest in the world. Thus, almost one in five children under the age of five dies each year. Approximately 1,000 deliveries per 100,000 births result in the death of the mother. Diarrhoea, malaria and acute respiratory infections, aggravated by malnutrition, alone account for more than 40 per cent of deaths. AIDS is spreading rapidly. With regard to water and sanitation, the average rate of access to water country-wide is about 50 per cent, but as low as 4 per cent in the difficult terrain of the north of the country. The overall rate of access to sanitation facilities is estimated at approximately 15 per cent. The geographical distribution of health services and personnel continues to show a heavy urban bias.

14. The Committee expresses its profound concern about the prevalence of traditional practices of female genital mutilation, to which, according to one expert, as many as 75 per cent of girls and women in Mali are being subjected. Even though the Government attempts, by means of radio and television broadcasts, to discourage female circumcision, legislation in effect for 30 years prohibiting such practices has never been enforced.

15. With regard to the right to education recognized in Article 13 of the Covenant, the Committee is concerned about the high rate of illiteracy (adult illiteracy averaged 68 per cent: males 59 per cent, females 76.1 per cent) in Mali. The Committee is further concerned about the fact that Mali has shown only modest progress in terms of educational standards over the last 20 years and has actually been regressing over the past 10 years. Formal primary schooling still does not appear to meet the needs of the population despite efforts by the Government. The rate of school enrolment in Mali is among the lowest in the world. Enrolment in primary schools included only 15 per cent of children in the relevant age group (males 17 per cent, females 14 per cent); secondary enrolment is equivalent to only 7 per cent of children in the appropriate age group (males 10 per cent, females 5 per cent). Many students receive higher education abroad, mainly in France and Senegal. Repeat and drop-out rates are very high; only 7 per cent of pupils complete the primary education cycle each year. Most of the recurrent education budget goes to teachers' salaries. Yet 20 per cent of the teachers are not in school but are assigned to other duties.

F. Suggestions and recommendations

16. The Committee urges the Government to undertake every effort to ensure that measures of economic liberalization and structural adjustment will not adversely affect the most vulnerable groups within Malian society.

17. The Committee reiterates its request that the Government of Mali actively participate in a constructive dialogue with the Committee as to how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Mali has been in breach of this obligation for many years.

18. The Committee recommends that the Government of Mali avail itself of the advisory services of the United Nations Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

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